

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:08CR120
vs.)	
)	TRIAL ORDER
RONNIE F. SOERGEL,)	
)	
Defendant.)	

This matter was removed from the trial docket on June 27, 2008, at the request of the defendant, and scheduled for a change of plea hearing which was continued several times. The parties have failed to comply with paragraph 3 of the June 27, 2008 order (Doc. [24](#)), which provides:

3. At least two (2) working days in advance of the plea proceeding above, counsel for plaintiff and for defendant shall provide to the undersigned magistrate judge a copy of the following: a) a copy of the Petition to Enter A Guilty Plea; b) a copy of any plea agreement; and c) a copy of any charging document not yet on file. **Failure to meet this deadline will cause the plea proceeding to be cancelled.**

(Emphasis in original). For that reason,

IT IS ORDERED:

1. The change of plea hearing now set for January 12, 2009, is cancelled.
2. This case is scheduled for a jury trial before Judge Smith Camp, to begin **Tuesday, February 3, 2009 at 8:30 a.m.** in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. Because this is a criminal case, defendant(s) must be present in person. Counsel will receive more specific information regarding the order of trial from Judge Smith Camp's staff.
3. In accordance with 18 U.S.C. § 3161(h)(8)(A), I find that the ends of justice will be served by cancelling the plea hearing and returning the matter to the trial docket. The time **between today's date and February 3, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161 because counsel require more time to effectively prepare the case, taking into account the nature of the case and the exercise of due diligence. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED January 9, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**